

MESSAGE NO: 9128205 MESSAGE DATE: 05/07/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 9106206
MESSAGE #
(s):

CASE #(s): A-588-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2007 TO 04/30/2008

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQ. INSTR.-BALL BEARINGS & PARTS-JAPAN (A-588-201) FOR AISIN
SEIKI/CANON/MAKITA/NSK/NTN & MORE. INJ MSGS 9106206 & 9100202 STILL APPLY. LOS
03/26/09

MESSAGE NO: 9128205

DATE: 05 07 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 9106206

REFERENCE DATE: 04 16 2009

CASES: A - 588 - 201

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PERIOD COVERED: 05 01 2007 TO 04 30 2008

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ. INSTR.-BALL BEARINGS & PARTS-JAPAN (A-588-201)

FOR AISIN SEIKI/CANON/MAKITA/NSK/NTN & MORE. INJ

MSGs 9106206 & 9100202 STILL APPLY. LOS 03/26/09

1. ON 04/13/2009, THE U.S. COURT OF INTERNATIONAL TRADE ISSUED
A PRELIMINARY INJUNCTION IN CONNECTION WITH COURT CASE 06-00334
WHICH IS STILL IN EFFECT FOR ENTRIES OF JAPAN-ORIGIN BALL
BEARINGS AND PARTS THEREOF WHICH WERE PRODUCED AND/OR EXPORTED

BY JTEKT CORPORATION (FORMERLY KOYO SEIKO CO., LTD.), IMPORTED
BY OR SOLD TO (AS INDICATED ON THE COMMERCIAL INVOICE OR
CUSTOMS DOCUMENTATION) KOYO CORPORATION OF U.S.A., AND ENTERED,

OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD

05/01/2007 THROUGH 04/30/2008.

CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES DURING THE PENDENCY OF THIS LITIGATION, INCLUDING ANY REMANDS AND APPEALS, AND UNTIL THE DEPARTMENT OF COMMERCE (COMMERCE) ISSUES LIQUIDATION INSTRUCTIONS. SEE MESSAGE 9106206 (04/16/2009).

2. ON 04/02/2009, THE U.S. COURT OF INTERNATIONAL TRADE ISSUED A PRELIMINARY INJUNCTION IN CONNECTION WITH COURT CASE 06-00334 WHICH IS STILL IN EFFECT FOR ENTRIES OF JAPAN-ORIGIN BALL BEARINGS AND PARTS THEREOF WHICH WERE EXPORTED BY NSK LTD. (AKA NIPPON SEIKO K.K. LTD.) (NSK) AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2007 THROUGH 04/30/2008.

CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES DURING THE PENDENCY OF THIS LITIGATION, INCLUDING ANY REMANDS AND APPEALS, AND UNTIL COMMERCE ISSUES LIQUIDATION INSTRUCTIONS. SEE MESSAGE 9100202 (04/10/2009).

3. ON 03/26/2009, COMMERCE RESCINDED IN PART THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM JAPAN (A-588-201) COVERING THE PERIOD 05/01/2007 THROUGH 04/30/2008 FOR THE FOLLOWING FIRMS:

COMPANY: AISIN SEIKI CO., LTD.

CASE NUMBER: 10-DIGIT CASE NUMBER ASSIGNED MIDWAY THROUGH PERIOD; ENTRIES MAY HAVE BEEN MADE UNDER A-588-201-012, A-588-201-000, OR OTHER COMPANY-SPECIFIC CASE NUMBERS.

COMPANY: ASAHI SEIKO CO., LTD.

CASE NUMBER: A-588-201-001

COMPANY: CANON INC.

CASE NUMBER: 10-DIGIT CASE NUMBER ASSIGNED MIDWAY THROUGH
PERIOD; ENTRIES MAY HAVE BEEN MADE UNDER
A-588-201-014,A-588-201-000, OR OTHER COMPANY-
SPECIFIC CASE NUMBERS.

COMPANY: JTEKT CORPORATION (FORMERLY KOYO SEIKO CO., LTD.)
CASE NUMBER: A-588-201-005

COMPANY: KEIHIN CORPORATION (KEIHIN JP)
CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: MAKINO MILLING MACHINE CO., LTD.
CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: MAKITA CORPORATION
CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: MAZDA MOTOR CORPORATION
CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFICNUMBERS.

COMPANY: MITSUBISHI HEAVY INDUSTRIES LTD.
CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFICNUMBERS.

COMPANY: NACHI-FUJIKOSHI CORPORATION
CASE NUMBER: A-588-201-007

COMPANY: NIPPON PILLOW BLOCK CO., LTD.
CASE NUMBER: A-588-201-017

COMPANY: NISSAN MOTOR CO., LTD.

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: NSK LTD. (AKA NIPPON SEIKO K.K. LTD.)

CASE NUMBER: A-588-201-008

COMPANY: NTN CORPORATION

CASE NUMBER: A-588-201-009

COMPANY: UNIVANCE INC.

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: YAMAZAKI MAZAK TRADING CORPORATION

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED DURING THIS
PERIOD; ENTRIES MAY HAVE BEEN MADE UNDER A-588-201-000 OR
OTHER COMPANY-SPECIFIC NUMBERS.

4. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON ENTRIES OF
MERCHANDISE PRODUCED AND/OR EXPORTED BY THE COMPANIES LISTED
ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR
CONSUMPTION DURING THE PERIOD 05/01/2007 THROUGH 04/30/2008 AT
THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY
UNLESS ANY OF THE FOLLOWING CONDITIONS APPLIES:

A. IF JTEKT CORPORATION (FORMERLY KOYO SEIKO CO., LTD.) IS THE
PRODUCER AND/OR EXPORTER AND KOYO CORPORATION OF U.S.A. IS THE
IMPORTER OR CUSTOMER (AS INDICATED IN THE COMMERCIAL INVOICE OR
CUSTOMS DOCUMENTATION), THE INJUNCTION MENTIONED IN PARAGRAPH 1
APPLIES AND CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF SUCH
ENTRIES.

B. IF NSK LTD. (AKA NIPPON SEIKO K.K. LTD.) (NSK) IS THE
EXPORTER THE INJUNCTION MENTIONED IN PARAGRAPH 2 APPLIES AND

CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF SUCH ENTRIES.

C. IF THE ENTRIES WERE MADE UNDER THE COMPANY NAMES AND/OR
CBP CASE NUMBERS FOR THE SPECIFIC COMPANIES LISTED BELOW, ALL
ENTRIES PRODUCED AND/OR EXPORTED BY THE FOLLOWING COMPANIES

MUST REMAIN SUSPENDED UNTIL FURTHER NOTICE BECAUSE COMMERCE HAS

NOT RESCINDED OR COMPLETED ITS REVIEW OF THESE COMPANIES:

COMPANY: SAPPORO PRECISION INC.

CASE NUMBER: A-588-201-046

COMPANY: EDWARDS LTD.

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY HAVE
BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: EDWARDS HIGH VACUUM INT'L LTD.

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY HAVE
BEEN MADE UNDER A-588-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: JAPANESE AERO ENGINES CORP. (JAEC)

CASE NUMBER: A-588-201-027

5. FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY CANON
INC. ARE SUSPENDED UNDER JTEKT CORPORATION (A-588-201-005) AS
THE PRODUCER BUT KOYO CORPORATION OF U.S.A. IS NOT IDENTIFIED
AS THE IMPORTER OR CUSTOMER IN THE COMMERCIAL INVOICE OR
CUSTOMS DOCUMENTATION, CBP SHOULD LIQUIDATE THEM PURSUANT TO
THESE INSTRUCTIONS AT THE CASH DEPOSIT OR BONDING RATE REQUIRED
AT THE TIME OF ENTRY FOR JTEKT CORPORATION BECAUSE COMMERCE HAS
RESCINDED THE REVIEW OF JTEKT CORPORATION AND CANON INC. AND,
IF KOYO CORPORATION OF U.S.A. IS NOT THE IMPORTER OR CUSTOMER
FOR ENTRIES OF MERCHANDISE WHICH WAS PRODUCED AND/OR EXPORTED
BY JTEKT CORPORATION, THE INJUNCTION TO WHICH PARAGRAPH 1
REFERS DOES NOT APPLY.

FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY MAKITA CORPORATION ARE SUSPENDED UNDER ASAHI SEIKO CO., LTD. (ASAHI) (A-588-201-001), AS THE PRODUCER, CBP SHOULD LIQUIDATE THEM PURSUANT TO THESE INSTRUCTIONS AT THE CASH-DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY FOR ASAHI BECAUSE COMMERCE HAS RESCINDED THE REVIEW OF BOTH ASAHI AND MAKITA CORPORATION.

FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY MAKITA CORPORATION ARE SUSPENDED UNDER SAPPORO PRECISION INC. (A-588-201-046) AS THE PRODUCER, SUCH ENTRIES MUST REMAIN SUSPENDED UNTIL COMMERCE COMPLETES ITS REVIEW OF SAPPORO PRECISION INC. AND CBP MUST NOT LIQUIDATE SUCH ENTRIES PURSUANT TO THESE INSTRUCTIONS BECAUSE, ALTHOUGH COMMERCE HAS RESCINDED ITS REVIEW OF MAKITA CORPORATION, IT HAS NOT RESCINDED OR COMPLETED ITS REVIEW OF SAPPORO PRECISION INC.

6. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/01/2007 THROUGH

04/30/2008 OCCURRED WITH THE PUBLICATION OF THE RESCISSION OF REVIEW IN PART (74 FR 13190, 03/26/2009). FOR ALL OTHER SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM JAPAN YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER.

INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:JF).

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party